

Surface Mining Reclamation and Enforcement, Interior

§ 950.15

§ 950.1 Scope.

This part contains all rules applicable only within the State of Wyoming which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(Sec. 503, Pub. L. 95-87 (30 U.S.C. 1253))

[45 FR 78684, Nov. 26, 1980]

§ 950.10 State regulatory program approval.

The Wyoming permanent program as submitted on August 15, 1979 and as revised on October 23, 1979 and May 30, 1980, is approved effective November 26, 1980. Copies of the approved program are available at:

(a) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, room 2128, Casper, Wyoming 82601-1918, Telephone: (307) 261-5776.

(b) Wyoming Department of Environmental Quality, Land Quality Division, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002, Telephone: (307) 777-7756.

[56 FR 3219, Jan. 29, 1991]

§ 950.12 State program provisions and amendments not approved.

(a) The following provisions of the Rules and Regulations of the Land Quality Division of the Wyoming Department of Environmental Quality, as submitted on May 1, 1986, are hereby disapproved:

(1) The phrases "run-of-the-mine" and "to separate the coal from its impurities" within the definition of "coal preparation plant" at Chapter I, section 2(m);

(2) [Reserved]

(3) Deletion of the requirement at Chapter II, section 3(a)(vi)(H)(II)(3) to collect baseline surface water data on acidity;

(4) Deletion of the locational data requirements for monitoring stations at Chapter II, section 3(a)(vi)(M);

(5) [Reserved]

(6) Replacement of the word "is" with the phrase "the vegetative cover and total ground cover are" in Chapter IV, section 2(d)(vi);

(7) Addition of the phrase "or an alternative success standard approved by the Administrator" to Chapter IV, section 2(d)(vi);

(8)-(9) [Reserved]

(10) All revisions to Chapter IV, section 3(a)(ix) concerning cut-and-fill terraces;

(11) Addition of section 1(a)(ii)(C), section 2(c), and section 3 to Chapter IX, which would have provided a general variance from the approximate original requirements; and

(12) All revisions to Chapter XVII, which would have introduced a new enforcement scheme.

(b) The following provision of the Rules and Regulations of the Land Quality Division of the Wyoming Department of Environmental Quality, as submitted on December 13, 1985, is hereby disapproved: Addition of section 1(b)(iii) to Chapter XII which would have allowed personal property other than allowed by 30 CFR 800.5 (cash accounts, negotiable bonds, certificates of deposit, and letters of credit) to be posted as collateral bond.

[51 FR 42218, Nov. 24, 1986, as amended at 52 FR 16847, May 6, 1987; 57 FR 48991, Oct. 29, 1992; 59 FR 14753, Mar. 30, 1994; 68 FR 62523, Nov. 5, 2003]

§ 950.15 Approval of Wyoming regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
March 26, 1981, April 8, 1981.	February 18, 1982 ..	LQD Rules, Ch I, §2(14) defining "complete application;" Ch II, §§1.c., 2.a.(1)(f)(ii), 3.a(6)(b)(iii), (d)(ii); Ch IV, §§2.c.(2)(a), 2.d.(6), 3.p.(1)(a); sworn applicant statement regarding reclamation fees payment.
May 26, 1982	September 27, 1982	LQD Rules, Ch I, §2(99).

Original amendment submission date	Date of final publication	Citation/description
March 3, 8 and 21, 1983.	November 9, 1983 ..	W.S. 35–11–103(e) (xxii), (xxiii) defining “complete application,” “deficiency” in permit applications, “interim mine stabilization;” W.S. 35–11–401(n), 406(h); LQD Rules, Ch I, § 2; Ch XIII, § 2; Ch XVI, §§ 1 through 6.
June 25, 1984	February 28, 1985 ..	LQD Rules, Ch IV, §§ 1, 2; Ch XII, §§ 1 through 7; Ch XVII, §§ 1 through 3.
September 21, 1984	December 3, 1985 ..	LQD Rules, Ch I, § 2; Ch XIII.
October 12, 1984	December 13, 1985 ..	LQD Rules, Ch VI, § 6.
June 19, 1985	January 2, 1986	LQD Rules, Ch X, and accompanying Appendix A.
June 10, 1985	March 31, 1986	LQD Rules, Ch II, § 3; Ch III, § 2; Ch V, §§ 1, 6, 7; Ch VI, §§ 2 through 5; Ch VII, §§ 1 through 4; Ch XI, §§ 1 through 4, 6; Ch XVI, §§ 1 through 5; Ch XVIII, §§ 1 through 5.
May 1, 1986	November 24, 1986 ..	LQD Rules, Chs I, II, III, IV, IX, XII, XIV, XXIII; Appendix A, “Vegetation Sampling Methods and Reclamation Success Standards for Surface Coal Mining Operations”.
December 13, 1985 ..	May 6, 1987	LQD Rules, Ch XII, “Self-Bonding Program”.
March 31, 1989	July 25, 1990	LQD Rules, Ch I, § 2; Ch II, §§ 2, 3; Ch IV, §§ 2, 3; Ch V, §§ 2, 6, 7; Ch VI, §§ 3, 4; Ch VII, §§ 1, 4; Ch IX, §§ 1, 2, 3; Ch XI, §§ 1, 3; Ch XII, §§ 1 through 4, 6; Ch XIII, § 1; Ch XIV, §§ 1, 2; Ch XVI, §§ 1, 3, 4; Ch XVII, §§ 1, 2; Ch XVIII, §§ 1, 3.
May 1, 1986	January 29, 1991 ..	LQD Rules, Ch IV, §§ 3(h)(iii)(A), (B); Ch VI, § 3(c)(ii)(C)(I).
March 21, 1991	July 8, 1992	W.S. Article 1, subsection 35–11–103(e) (xxvi), (xxvii); Article 4, subsection 35–11–402(b).
June 24, 1991	October 29, 1992 ..	W.S. 35–11–103(d)(ii)(D); LQD Rules, Ch I, § 2(br), (ba), 3(b)(i); Ch II, §§ 3(a)(vi)(E), (M), (b)(xvi)(D), (xx), (v)(C); Ch IV, §§ 3(d)(vii), (e)(i)(H); Ch XI, § 2(b)(iv); Ch XII, § 1(a); Ch XIII, § 1(a)(v)(A); Ch XXI, § 3(b)(vii), (x).
March 19, 1993	August 23, 1993	W.S. 35–11–406(h), (j).
July 8, 1992	October 7, 1993	LQD Rules, Ch II, § 3(b)(iv)(B); Ch IV, § 3(o)(iv); Appendix B, “Wildlife Monitoring Requirements for Surface Coal Mining Operations”.
July 24, 1992	November 2, 1993 ..	LQD Rules, Ch I, § 2(e); Ch II, § 3(a)(i)(D); Ch XIV, §§ 2(b)(i), 6(a).
August 18, 1982, March 9, 1993.	January 24, 1994 ..	W.S. 35–11–437(f); LQD Rules, Ch I, § 2(cv) defining “toxic materials;” Ch II, § 7; Ch V pertaining to the award of costs and expenses in administrative proceedings; Ch VI pertaining to informal review by the Director.
December 15, 1992, August 6, 1993.	March 30, 1994	LQD Rules, Chs I through XX, Appendices A, B.
May 1, 1986	June 30, 1994	LQD Rules, Ch IV, § 2(b)(i).
April 13, 1994	October 21, 1994 ..	W.S. 35–11–437(f), (g).
November 8, 1994	March 17, 1995	Appendix B, §§ C, E.
June 2, 1995	September 14, 1995 ..	W.S. 35–11–406(j).
April 21, 1995	February 21, 1996 ..	W.S. 35–11–1206(a), (b), –1209(a), (b).
November 29, 1995 ..	August 6, 1996	W.S. 35–11–103(e)(xxviii), (xxix), (xxx); 35–11–402(b), (c); Ch I, § 2(ac), (ax), (bc)(iii), (viii), (xi), (v), (w); Ch. II, § 2(a)(vi)(G)(II), (b)(iv)(C); Ch IV, § 2(d)(x)(E)(I), (II), (III), appendix A; Ch X, § 4(e); Ch XI, § 5(a); Ch. XIII, § 1(a).
April 18, 1996	August 27, 1996	W.S. 35–11–426(a), (b); 35–11–431(a)(vi).
July 13, 1998	October 1, 1999	Chapter 1, Section 2(ac); Chapter 1, Section 2(v); Chapter 2, Section 1(e); Chapter 2, Section 2(a)(vi)(G)(II); Chapter 2, Section 2(a)(vi)(H); Chapter 2, Section 2(a)(vi)(J); Chapter 2, Section 2(a)(vi)(J)(II); Chapter 2, Section 2(b)(iv)(C); Chapter 2, Section 2(b)(vi)(C); Chapter 4, Section 2(c)(ix); Chapter 4, Section 2(d)(x)(E)(I); Chapter 4, Section e(d)(x)(E)(III); Chapter 8, Sections 3–4–5; Chapter 12, Section 1(a)(iv)(B); Chapter 12, Section 1(a)(v)(C); Chapter 12, Section 1(b)(ii); Chapter 16, Sections 3 (c) and (f); Appendix A, Appendix IV; Appendix A, Options I-IV; Appendix A, Section II.C.2.c; Appendix A, Section II.C.3; Appendix A, Section VIII.E.
July 20, 2001	November 6, 2002 ..	Ch. 2, Sec. 2(a)(vi)(L)(III); Ch. 2, Sec. 2(a)(vi)(L)(iv); Ch. 2, Sec. 2(a)(vi)(M)(III); Ch. 2, Sec. 2(a)(vi)(M)(III)(4); Ch. 2, Sec. 2(a)(vi)(O); Ch. 2, Sec. 2(b)(xi)(D)(I)(1); Ch. 2, Sec. 2(b)(xi)(D)(I)(2); Ch. 2, Sec. 2(b)(xi)(D)(I)(3); Ch. 2, Sec. 2(b)(xi)(D)(II)(1 and 2); Ch. 2, Sec. 2(b)(xii); Ch. 3, Sec. 2(c)(viii)(D)–(G); Ch. 4, Sec. 2(c)(xii)(D)(iv); Ch. 4, Sec. 2(i)(i); Ch. 4, Sec. 2(w); Appendix A, Appendix IV; 30 CFR 950.12(a)(4); 30 CFR 950.16(ii)(2); 30 CFR 950.16(jj).
April 30, 2002	May 8, 2003	Chapter 1, Section 2(by).
		Chapter 4, Section 2(b)(iv).
		Chapter 11, Sections 1(a), 2(a), 3(b), 3(c), 4(a).
		Chapter 12, Section 1(b), Section 2(d)(iii).
		Chapter 13, Section 1(a), (b), (c), (d)(iv)(D).
		Chapter 15, Section 7.

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Original amendment submission date	Date of final publication	Citation/description
November 28, 2002 ..	November 5, 2003 ..	Chap. 1, Section 2, 2(a), 2(b) Chap. 1, Section 2(ah) Chap. 1, Section 2(bu) Chap. 1, Section 2(bz) Chap. 2, Section 2(a) and (b) Chap. 2, Section 2(a)(v), 2(a)(v)(I)(1), 2(b)(iii) and 2(b)(xxi) Chap. 2, Section 2(b)(i)(D)(V) Chap. 2, Section 2(b)(iv)(G) Chap. 2, Section 2(b)(xix) Chap. 4, Section 2(c)(i)(A) Chap. 4, Section 2(c)(xi)(F) Chap. 4, Section 2(c)(xi)(G) Chap. 4, Section 2(j) Chap. 4, Section 2(j)(i)(A) Chap. 4, Section 2(j)(ii) Chap. 4, Section 2(j)(iii) Chap. 4, Section 2(j)(iii)(B) Chap. 4, Section 2(j)(iii)(C)(I) Chap. 4, Section 2(j)(iii)(C)(II) Chap. 4, Section 2(j)(iii)(C)(III) Chap. 4, Section 2(j)(iii)(C)(v) Chap. 4, Section 2(j)(iii)(D) Chap. 4, Section 2(j)(iv) Chap. 4, Section 2(j)(v) Chap. 4, Section 2(j)(vi) Chap. 4, Section 2(j)(vii) Chap. 4, Section 2(j)(viii) Chap. 4, Section 2(m) Chap. 4, Section 2(n)(ii)(B)(2) Chap. 4, Section 2(x) Chap. 5, Section 7(a)(ii) Chap. 12, Section 1(a)(v) Chap. 18, Section 3(c)(xvii), Section 3(d)(vi)(A), Section 3(d)(x) Appendix A, Appendix IV
May 21, 2004	April 4, 2005	Coal Rules: Chapter 1, sections 2(l) and (ce); chapter 4, sections 2(b)(iv)(A), (b)(ix), (b)(ix)(A), (B), and (C); Chapter 10, sections 1, 1(b)(iii), 2(b), (b)(i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), and (xii), 3(b), 4(e), 8, 8(a), 8(b), (b)(i), (ii), (ii)(A), (ii)(B), (ii)(C), (iii), and (iv).
October 24, 2005	August 28, 2006	Chapter 4, Section 2(b)(iv) Chapter 4, Section 2(d)(ix) Chapter 4, Section 2(d)(x) Chapter 4, Section 2(d)(x), Appendix A, Subsection III.A; VII.E; VIII.A & VIII.F Chapter 4, Section 2(d)(x)(E)(I)&(II) Chapter 4, Section 2(d)(x)(E)(III) & (F) Chapter 4, Section 2(d)(x)(J) Chapter 4, Section 2(d)(xiv) Chapter 15, Section 1(a) Chapter 15, Section 1(b)

[62 FR 9958, Mar. 5, 1997, as amended at 64 FR 53208, Oct. 1, 1999; 67 FR 67547, Nov. 6, 2002; 68 FR 24652, May 8, 2003; 68 FR 62523, Nov. 5, 2003; 70 FR 16954, Apr. 4, 2005; 71 FR 50855, Aug. 28, 2006]

§ 950.16 Required program amendments.

Pursuant to 30 CFR 732.17 Wyoming is required to submit for OSMRE's approval the following proposed program amendments by the dates specified.

(a) –(c) [Reserved]

(d) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter IV, section 3(i) or otherwise propose to amend its program to require a quarterly

ground water monitoring for surface and underground coal mining operations.

(e) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter IV, section 3(u) or otherwise propose to amend its program to give the State the authority to require additional preventive, remedial, or monitoring measures to assure that material damage to the hydrologic balance outside the permit